

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STUDENT A, individually and on
behalf of others similarly situated,

Plaintiff,

v.

THE BOARD OF TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW YORK

Defendant,

Case No. 1:20-cv-03208

EMMALINE BENNETT, et al, Individually And
On Behalf Of All Others Similarly Situated,

Plaintiffs,

vs.

COLUMBIA UNIVERSITY,

Defendant,

Case No. 1:20-cv-03227

**JOINT STIPULATION AND ~~PROPOSED~~ ORDER CONSOLIDATING
RELATED ACTIONS AND ESTABLISHING A LEADERSHIP STRUCTURE**

WHEREAS, on April 23, 2020, an action was filed against Defendant The Board of Trustees of Columbia University in the City of New York (“Defendant”) alleging breach of contract and unjust enrichment, captioned *Student A. v. The Board Of Trustees Of Columbia University In The City Of New York*, Case No. 1:20-cv-03208 (the “*Student A* Action”);

WHEREAS, on April 23, 2020, a second action was filed against Defendant alleging substantially similar facts and making substantially similar claims captioned *Bennett, et al. v.*

Columbia University, Case No.: 1:20-cv-03227 (the “*Bennett Action*,” and together with the *Student A Action*, the “Related Actions”);

WHEREAS, on April 27, 2019, this Court issued an Order noting that the two actions were similar and asking for Plaintiffs’ position by May 4, 2020 on whether the two actions should be consolidated;

WHEREAS, all Plaintiffs agree that the Related Actions are related and should be consolidated in this Court;

WHEREAS, under Fed. R. Civ. P. 42(a), when actions involve “a common question of law or fact,” the Court may “(1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay”;

WHEREAS, the Related Actions challenge substantially the same alleged conduct by the same Defendant and involve substantially the same questions of law and fact, as each action alleges that Defendant took the same actions as against the Plaintiffs and the putative class;

WHEREAS, Plaintiffs therefore respectfully submit that consolidation of the Related Actions is appropriate;

WHEREAS, to avoid potentially duplicative actions and to prevent any waste of the Court’s and parties’ resources, the parties agree that the Related Actions should be consolidated for all purposes, including pre-trial proceedings and trial, into a single consolidated action;

WHEREAS, in order to realize the efficiencies made possible by consolidation of the Related Actions, Plaintiffs agree that Anastopoulo Law Firm, LLC and Gainey McKenna & Egleston, shall be designated as Co-Lead Counsel representing plaintiffs in the consolidated

action, with Eric M. Poulin and Roy T. Willey IV of the Anastopoulos Law Firm to file motions to be admitted pro hac vice;¹

NOW THEREFORE, Plaintiffs, through their undersigned counsel, hereby agree, stipulate, and respectfully request that the Court enter an Order as follows:

1. The following actions are hereby consolidated for all purposes, including pre-trial proceedings and trial, under Case No. 1:20-cv-03208 (the “Consolidated Action”), pursuant to Federal Rule of Civil Procedure 42(a):

<u>Case Name</u>	<u>Case Number</u>	<u>Date Filed</u>
<i>Student A. v. The Board Of Trustees Of Columbia University In The City Of New York</i>	1:20-cv-03208	April 23, 2020
<i>Bennett, et al. v. Columbia University</i>	1:20-cv-03227	April 23, 2020

2. Every pleading filed in the Consolidated Action, or in any separate action included herein, must bear the following caption:

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE COLUMBIA UNIVERSITY TUITION
REFUND ACTION

Lead Case No. 1:20-cv-03208

3. All papers filed in connection with the Consolidated Action will be maintained in one file under Lead Case No. 1:20-cv-03208.

4. Co-Lead Counsel for Plaintiffs for the conduct of the Consolidated Action shall be:

ANASTOPOULO LAW FIRM, LLC

¹ Defendant has not yet appeared. Edward Toptani of Toptani Law, PLLC (edward@toptanilaw.com) is sponsoring attorney and shall be able to appear and file on behalf of Messrs. Poulin and Willey in this action.

Eric M. Poulin (pro hac vice forthcoming)
Roy T. Willey IV (pro hac vice forthcoming)
32 Ann Street
Charleston, SC 29403
Tel: (843) 614-8888
Email: eric@akimlawfirm.com
Email: roy@akimlawfirm.com

GAINEY McKENNA & EGLESTON

Thomas J. McKenna
Gregory M. Egleston
501 Fifth Avenue, 19th Floor
New York, NY 10017
Telephone: (212) 983-1300
Facsimile: (212) 983-0383
Email: tjmckenna@gme-law.com
Email: gegleston@gme-law.com

5. Plaintiffs' Co-Lead Counsel shall have the sole authority to speak for Plaintiffs in all matters regarding pre-trial procedure, trial, and settlement negotiations and shall make all work assignments in such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.

6. Co-Lead Counsel shall be responsible for coordinating all activities and appearances on behalf of Plaintiffs. No motion, request for discovery, or other pre-trial or trial proceedings will be initiated or filed by any Plaintiffs except through Co-Lead Counsel.

7. Defendant's counsel may rely upon all agreements made with Co-Lead Counsel, or other duly authorized representative of Co-Lead Counsel, and such agreements shall be binding on all plaintiffs.

~~8. This Order shall apply to each subsequent action arising out of the same, or substantially the same, transactions or events as the Consolidated Action, that is subsequently filed in, removed to, reassigned to, or transferred to this Court. When a case that properly belongs as part of *In Re Columbia University Tuition Refund Action*, Lead Case No. 1:20-cv-03208, is~~

~~hereafter filed in this Court, removed to this Court, reassigned to this Court, or transferred here from another court, this Court requests the assistance of counsel in calling to the attention of the Clerk of the Court the filing, removal, reassignment, or transfer of any other action that might properly be consolidated as part of the instant action, and counsel are to assist in assuring that counsel in subsequent actions receive notice of this order.~~

9. This Stipulation is without prejudice to any and all defenses Defendants may assert in this or any of the above-referenced actions and without prejudice to any and all claims Plaintiffs may assert.

Dated: May 4, 2020

Respectfully submitted,

GAINEY McKENNA & EGLESTON

s/ Thomas J. McKenna _____

Thomas J. McKenna

Gregory M. Egleston

501 Fifth Avenue, 19th Floor

New York, New York 10017

Telephone: (212) 983-1300

Facsimile: (212) 983-0383

Email: tjmckenna@gme-law.com

Email: gegleston@gme-law.com

ANASTOPOULO LAW FIRM, LLC

Eric M. Poulin (*Pro Hac Vice* Admission forthcoming)

Roy T. Willey IV (*Pro Hac Vice* Admission forthcoming)

32 Ann Street

Charleston, SC 29403

Tel: (843) 614-8888

Email: eric@akimlawfirm.com

roy@akimlawfirm.com

[Proposed] Co-Lead Counsel for Plaintiffs

TOPTANI LAW PLLC

By: /s/ Edward Toptani

Edward Toptani (ET6703)

375 Pearl Street, Suite 1410

New York, New York 10038
Tel: (212) 699-8930
Email: edward@toptanilaw.com

IT IS SO ORDERED this 5th day of May, 2020.

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', written over a horizontal line.

U.S. District Court Judge
[Hon. Jesse M. Furman](#)

In the event that a case that arises out of the same subject matter as the Consolidated Action is hereafter filed in this Court or transferred from another court, defense counsel shall promptly serve a copy of this Order on the attorneys for the plaintiff(s) in the newly filed case and promptly notify the Court so it may determine if the newly filed case should be consolidated in the Consolidated Action.

The Clerk of Court is directed to consolidate 20-CV-3208 and 20-CV-3227 under 20-CV-3208, to modify the caption as set forth above, and to close 20-CV-3227.